

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ABDEL FATTAH,

Plaintiff,

v.

JOHN T. SYMONS, D.O., *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-10-1607

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

**ORDER**

**NOW**, this 4th day of November, 2016, **IT IS HEREBY ORDERED** that:

- (1) Magistrate Judge Saporito's Report and Recommendation (Doc. 134) is **ADOPTED in part and REJECTED in part..**
- (2) Defendant John T. Symons' Motion to Dismiss the Third Amended Complaint (Doc. 121) is **DENIED**. Plaintiff Abdel Fattah is allowed to proceed on the following claims against Defendant John T. Symons:
  - (a) failure to "set up a treatment plan [for Plaintiff's eating disorder], order specific methods of care for [Plaintiff's] medical needs, [and] prescribe medications." (Doc. 119, ¶¶ 130-138);
  - (b) failure to correct "unsanitary condition[s]" with respect to Plaintiff's surgically implanted feeding tube and the gastric feeding process used to provide him with nourishment. (*Id.*, at ¶¶ 139-143); and
  - (c) failure to reinstate Plaintiff's scheduled gastric feedings and failure to intervene when Plaintiff was denied food for nearly a month. (*Id.*, at ¶¶ 153-154).
- (3) Defendant John T. Symons and the other remaining defendants are directed to respond to the Third Amended Complaint within **fourteen (14) days** from the date of entry of this Order.
- (4) The action is **RECOMMITTED** to Magistrate Judge Saporito for further proceedings.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge